Remarks

By the present amendment, claims 1, 7, 14, 16, 19, 21, 27 to 29, and 62 through 64 have been cancelled without prejudice. Applicants maintain the right to prosecute canceled claims 1, 7, 14, 16, 19, 21, 27 to 29, and 62 to 64 in any related application claiming the benefit of priority of the subject application. New claims 65 and 66 have been added. Accordingly, upon entry of the amendment, claims 3 to 6, 8, 10 to 13, 15, 17, 18, 20, 22 to 26, 65 and 66 are pending.

The amendments are supported throughout the specification. In particular, the amendment to claims 3 to 5 to recite "fragment" is supported, for example, by originally filed claim 1. The amendments to the claims reciting the ATCC deposit number was requested by the Examiner in a verbal communication. The amendments to the claims reciting information associated with the ATCC deposits was made in order to clarify the nature of the deposits. The amendments reciting multiple claim dependencies were made as a result of canceling claim 1. Thus, these amendments were made to address informalities and, therefore, do not add new matter.

The amendment to claims 12 to recite that the antibody decreases "cell surface expression of E-selectin, ICAM-1 or VCAM-1; decreases adhesion of leukocytes to inflammation sites; decreases IL-12 or nitric oxide production by macrophages; decreases cell proliferation; or decreases CD95, CD80 or CD86 protein expression," is supported, for example, at page 3, lines 5-13; page 9, lines 21-28; page 11, lines 4-12; and page 14, lines 7-22. The amendment to claim 18 to recite that the antibody increases "cell surface expression of E-selectin, ICAM-1 or VCAM-1; increases adhesion of leukocytes to inflammation sites; increases IL-12 or nitric oxide production by macrophages; increases cell proliferation; or increases CD95, CD80 or CD86 protein expression" is supported as set forth above for the amendment to claim 12. Thus, these amendments are supported by the specification and, therefore, do not add new matter.

New claims 65 and 66 are supported throughout the specification. In particular, for example, new claim 65 is supported, for example, by the originally filed claims and at page 10, lines 15-25. New claim 66 is supported, for example, at page 44, line 22, to page 45, line 52,

which discloses the recited heavy and light chain variable sequences, SEQ ID NOs:10-15. Thus, as new claims 65 and 66 are supported by the specification no new matter has been added.

In sum, as the claim amendments and new claims do not add new matter, entry thereof is respectfully requested.

Conclusion

If the Examiner believes that a telephone interview would expedite prosecution of this application, they are encouraged to telephone the undersigned.

If the fee authorized is incorrect or if any other fees are due in connection with this submission, please charge any such fee or credit any overpayment to Deposit Account No. 03-3975.

Respectfully submitted,

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Date: March 20, 2003

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APPENDIX

CLAIMS UPON ENTRY

3. A human monoclonal antibody or fragment thereof, wherein the antibody is denoted number 11 or 72(produced by hybridomas ATCC PTA-2308 and PTA-2309, respectively), or produced by a hybridoma denoted as F1-102 (ATCC PTA-3337), or F4-465 (ATCC PTA-3338), or denoted as F2-103 (ATCC PTA-3302 and PTA-3303, heavy and light chain, respectively), F5-77 (ATCC PTA-3304 and PTA-3305, heavy and light chain, respectively), or F5-157 (ATCC PTA-3306 and PTA-3307, heavy and light chain, respectively).
4. A human monoclonal antibody or fragment thereof, wherein the antibody has the CD40 binding specificity of the antibody denoted as number 11 or 72 (produced by hybridomas ATCC PTA-2308 and PTA-2309, respectively), or produced by a hybridoma denoted as F1-102 (ATCC PTA-3337), or F4-465 (ATCC PTA-3338), or denoted as F2-103 (ATCC PTA-3302 and PTA-3303, heavy and light chain, respectively), F5-77 (ATCC PTA-3304 and PTA-3305, heavy and light chain, respectively), or F5-157 (ATCC PTA-3306 and PTA-3307, heavy and light chain, respectively).
5. A human monoclonal antibody or fragment thereof, wherein the antibody has a CD40 modulating activity of the antibody denoted as number 11 or 72 (produced by hybridomas ATCC PTA-2308 and PTA-2309, respectively), or produced by a hybridoma denoted as F1-102 (ATCC PTA-3337), or F4-465 (ATCC PTA-3338), or denoted as F2-103 (ATCC PTA-3302 and PTA-3303, heavy and light chain, respectively), F5-77 (ATCC PTA-3304 and PTA-3305, heavy and light chain, respectively), or F5-157 (ATCC PTA-3306 and PTA-3307, heavy and light chain, respectively).
6. The human monoclonal antibody fragment of any of claims 3 to 5, wherein the fragment comprises an scFv, Fab, Fab', or $F(ab')_2$ fragment.
8. A detectably labeled human monoclonal antibody, wherein the antibody is produced by the hybridoma or is the antibody of any of claims 3 to 5.
10. The human monoclonal antibody selected from the antibodies of claims 3 to 5, wherein the antibody decreases binding of a CD40 ligand to CD40.

11. The human monoclonal antibody selected from the antibodies of claims 3 to 5, wherein the antibody increases binding of a CD40 ligand to CD40.

12. The human monoclonal antibody selected from the antibodies of claims 3 to 5, wherein the antibody decreases cell surface expression of E-selectin, ICAM-1 or VCAM-1; decreases adhesion of leukocytes to inflammation sites; decreases IL-12 or nitric oxide production by macrophages; decreases cell proliferation; or decreases CD95, CD80 or CD86 protein expression.

13. The human monoclonal antibody of claim 12, wherein the antibody contains a lambda light chain sequence.

15. The human monoclonal antibody of claim 12, wherein the cell is a B-cell.

17. The human monoclonal antibody of claim 12, wherein the antibody decreases CD95, CD80 or CD86 protein expression.

18. The human monoclonal antibody selected from the antibodies of claims 3 to 5, wherein the antibody increases cell surface expression of E-selectin, ICAM-1 or VCAM-1; increases adhesion of leukocytes to inflammation sites; increases IL-12 or nitric oxide production by macrophages; increases cell proliferation; or increases CD95, CD80 or CD86 protein expression.

20. The human monoclonal antibody of claim 18, wherein the cell is a B-cell.

22. The human monoclonal antibody of claim 18, wherein the antibody increases CD95, CD80 or CD86 protein expression.

23. The human monoclonal antibody of any of claims 3 to 5, further comprising a pharmaceutical formulation.

24. A host cell that expresses the antibody of any of claims 3 to 5.

25. A nucleic acid that encodes the antibody of any of claims 3 to 5.

26. A host cell containing the nucleic acid of claim 25.

65. A human monoclonal antibody, wherein the antibody comprises heavy-chain variable sequence and light-chain variable sequence of the antibody selected from the antibodies denoted as number 11, 72 (produced by hybridomas ATCC PTA-2308 and PTA -2309, respectively), or produced by a hybridoma denoted as F1-102 (ATCC PTA-3337), or F4-465 (ATCC PTA-3338), or denoted as F2-103 (ATCC PTA-3302 and PTA-3303, heavy

and light chain, respectively), F5-77 (ATCC PTA-3304 and PTA-3305, heavy and light chain, respectively), and F5-157 (ATCC PTA-3306 and PTA-3307, heavy and light chain, respectively).

66. A human monoclonal antibody, wherein the antibody comprises heavy-chain variable sequence and light-chain variable sequence encoded by the pair of sequences set forth as SEQ ID NO:10 and SEQ ID NO:11; SEQ ID NO:12 and SEQ ID NO:13; or SEQ ID NO:14 and SEQ ID NO:15.